

DRAFT

MINUTES OF THE CITY COUNCIL  
OF THE  
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

15 JULY 2003

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Florence F. Gatten, Yvonne J. Johnson, Thomas M. Phillips and Donald R. Vaughan. Absent: Councilmembers Belvin J. Jessup and Robert V. Perkins. Also present were J. Edward Kitchen, City Manager; Linda A. Miles, City Attorney; and Susan E. Crotts, Deputy City Clerk.

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The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

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The City Manager recognized Bobby Price, employee in the Engineering and Inspections Department, who served as courier for the meeting.

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Mayor Holliday outlined the Council procedures for conduct of the meeting.

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After the Mayor stated that Council members Jessup and Perkins would not be in attendance at the meeting, Councilmember Johnson moved that Councilmember Perkins be excused from the meeting. The motion was seconded by Councilmember Burroughs-White and unanimously adopted by voice vote of Council. Councilmember Vaughan thereupon moved that Councilmember Jessup be excused from the meeting. The motion was seconded by Councilmember Carmany and unanimously adopted by voice vote of Council.

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Mayor Holliday stated that the presentation by Greensboro Farmer's Curb Market representatives scheduled for this agenda had been cancelled.

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City Manager Kitchen stated that a highly prestigious national award had been received by David Brown, a producer for the Channel 13 government cable TV channel, for his production of a video segment on issues related to safety concerns about driving under the influence and drunk driving. The Manager recognized Mr. Brown, Corporal Sean Gladioux, Matthew Stalls, and Wayne and Dana Evans for their outstanding cooperative work on the production of the video; he spoke to the importance of this issue and presented to Mr. Brown the award from Mothers Against Drunk Driving.

On behalf of Council, the Mayor expressed appreciation for this outstanding accomplishment and requested copies of the video to be provided to each member of Council.

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The Mayor introduced a resolution naming the 16<sup>th</sup> Street Bridge in honor of Billy "Crash" Craddock.

Councilmember Vaughan stated that numerous citizens in the 16<sup>th</sup> Street community had requested special recognition for Mr. Craddock, a local country music singer. After Councilmember Vaughan read into the record the resolution in honor of Mr. Craddock, he moved adoption of the resolution. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Phillips and Vaughan. Noes: None.

147-03 RESOLUTION NAMING THE 16<sup>TH</sup> STREET BRIDGE IN HONOR OF BILLY “CRASH” CRADDOCK

WHEREAS, Billy “Crash” Craddock has served as an unofficial ambassador for the City of Greensboro for many years and in many places throughout his worldwide career in entertainment;

WHEREAS, the youngest of thirteen children, Billy Wayne was born June 16, 1938, at what is now 2406 Hubbard Street in the White Oak community just south of 16<sup>th</sup> Street where he became known as “Crash” Craddock while playing high school football for Rankin School;

WHEREAS, his singing career began when he was a member of a group known as the Four Rebels who played for the teenagers at the Fairview Recreation Center about 3 blocks from the 16<sup>th</sup> Street bridge;

WHEREAS, his music career was launched after an appearance on the Arthur Godfrey Show, which led to nine number one records and appearances on The Dick Clark Show; The Academy of Country Music in Los Angeles and in Nashville, Pop Goes The Country in Nashville, Nashville Now, Crook and Chase out of Nashville, The Grand Ole Opry and The Wellborn Brothers Show;

WHEREAS, national and international stardom in the music world has not kept Crash from his roots in Greensboro where he has remained throughout his career, raising three children, playing the role of father, brother, grandfather, neighbor and friend to those in his hometown;

WHEREAS, Crash’s lesser known but important appearances include a benefit softball game for autistic children of North Carolina; an Asheboro benefit enabling a loan payoff to the children’s ball field; Hospice benefit in 1999; and many additional hours to benefit those in need;

WHEREAS, it is both deserving and appropriate that the bridge located on 16<sup>th</sup> Street be named in honor of Billy “Crash” Craddock.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That for the many years of devoted and outstanding services rendered to the City of Greensboro and its citizens by Billy “Crash” Craddock and as a deserving tribute the City Council does hereby direct that the bridge on 16<sup>th</sup> Street shall be named the “BILLY “CRASH” CRADDOCK BRIDGE” in honor of this dedicated citizen.

(Signed) Donald R. Vaughan

After Councilmember Vaughan advised that the dedication would occur on a later date at the 16<sup>th</sup> Street Bridge, a number of citizens accepted the resolution on behalf of Mr. Craddock.

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The Mayor advised that the North Carolina Secretary of State was hosting a Bilateral Committee meeting between the country of Moldova and the State of North Carolina the following day at the Blandwood Mansion in Greensboro. He stated that Greensboro was honored to have several guests from Moldova present in the Chamber and requested Councilmember Carmany to provide an update on Greensboro’s Sister Cities.

Councilmember Carmany stated that because of Greensboro’s Sister City Relationship with Buiucani, a sector city of Moldova’s capital city, Chisinau, she was a participant in the North Carolina Bilateral Committee which dealt with humanitarian issues, educational development, cultural exchanges, etc. She spoke to the upcoming meetings and noted that the Federal Department of Commerce and the State Department had asked the Committee to host these

meetings to facilitate establishment of business ties between the two countries. Councilmember Carmany introduced the following individuals from Moldova: Ambassador to the United States, Messieurs Mihail Manoli; Dr. Ion Stavila, Victor Chirila, Political Counselor Deputy Minister of Foreign Affairs; Sergiu Ghetiu, Director International Investment, Ministry of Economics; and Ms. Cristina Baltag, Interpreter, US Embassy to Moldova. Colonel Gene Deal of the United States National Guard in North Carolina was also introduced.

Mssr. Minole and Dr. Stavila expressed their sincere appreciation for the existing interest in promoting cooperation between North Carolina and Moldova. They outlined the history of cooperation agreements made between North Carolina and Moldova in 1995 and 1999, noted multiple benefits of this relationship, and emphasized the importance of establishing a free market economy in Moldova and a lasting friendship between Moldova and North Carolina.

Dr. Stavila expressed appreciation for being able to participate in the Council meeting and observe this as a model of democracy for young democracies in eastern Europe. He noted that he was the co-president of the Moldova/North Carolina Bilateral Committee and that he was involved in a task force in the field of economics and investments. Dr. Stavila spoke to the importance of this bilateral cooperation and expressed his hope for continuation of this relationship in the future.

On behalf of City Council and citizens of Greensboro, the Mayor expressed appreciation and honor of the group members for their efforts and Greensboro's Sister City relationship with Chisinau. He presented the Key to the City to Dr. Stavila to symbolize the City's open door to Moldovan citizens. After the Mayor presented various gifts the other group members, he expressed appreciation to Councilmember Carmany for her efforts as the Council's liaison in Sister Cities endeavors.

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The Mayor introduced so that these matters could be considered together, an ordinance annexing territory to the corporate limits of property located at 1932 Fleming Road—53.84 acres and stated this matter was continued to this meeting by Council action on June 3, 2003; an Ordinance establishing original zoning classification from County Zoning RS-40 Residential Single Family to City Zoning Conditional Use-RS-12 Residential Single Family for property located on the east side of Fleming Road north of the termini of Norwich Drive, Haven Road and Bledsoe Drive and stated this matter was continued to this meeting by Council action on May 20, 2003; and an ordinance establishing original zoning classification from County Zoning RS-40 Residential Single Family to City Zoning Conditional Use-RM-5 Residential Multifamily for property located on the east side of Fleming Road southeast of Chance Road and southwest of Horse Pen Creek Road and stated this matter was continued to this meeting by Council action on May 20, 2003.

The Mayor administered the oath to those present who wished to speak to these matters.

C. Thomas Martin, Planning Director, provided the following staff presentations:

#### **REQUEST – ITEM 10**

This request is to establish original zoning for property from County Zoning RS-40 Residential Single Family to City Zoning Conditional Use – RS-12 Residential Single Family.

The RS-40 District is primarily intended to accommodate single family dwellings on large lots in areas without access to public water and sewer at a density of 1.0 unit per acre or less.

The RS-12 District is primarily intended to accommodate single family detached dwellings at a density of 3.0 units per acre or less.

#### **CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT**

- 1) Uses shall be limited to all single family detached residential uses permitted under the RS-12 zoning district.
- 2) The total number of dwelling units shall not exceed 43 units (2.92 units per acre).

- 3) All homes shall be offered for sale to the public.
- 4) No building shall exceed two stories in height as viewed from the front.
- 5) The proximity of Piedmont Triad International Airport shall be disclosed to all purchasers of homes within the development, in the developer's recorded declaration of covenants and restrictions, and within any purchase contract between Developer and initial purchasers.
- 6) Within the 100-year floodplain of Horse Pen Creek, no fill shall be placed except in association with required street, road or utility crossings.

Mr. Martin presented a land use map and slides of the property as he described the surrounding area.

This property consists of approximately 14.7 acres and is located on the east side of Fleming Road north of the termini of Norwich Drive, Haven Road and Bledsoe Drive.

	<u><b>Zoning</b></u>	<u><b>Land Use</b></u>
Subject Property	RS-40 (Co)	Vacant land
North	RS-40 (Co)	Single family dwelling – mostly vacant land proposed for CU-RM-5
East	RS-40 (Co)	Vacant land proposed for CU-RM-5
South	RS-15	8 single family dwellings
West	RS-40 (Co)	Single family dwelling

Mr. Martin stated that the Planning Department recommended approval of the request and that the Zoning Commission voted 7 to 0 with one abstention to recommend approval of the request.

#### **REQUEST – ITEM 11**

This request is to establish original zoning for property from County Zoning RS-40 Residential Single Family to City Zoning Conditional Use – RM-5 Residential Multifamily.

The RS-40 District is primarily intended to accommodate single family detached dwellings on large lots in areas without access to public water and sewer services at a density of 1.0 unit per acre or less.

The RM-5 District is primarily intended to accommodate duplexes, townhouses, cluster housing and similar residential uses at a density of 5.0 units per acre or less.

#### **CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT**

- 1) Uses shall be limited to all single family detached and attached residential uses (including townhomes, duplexes and “villa” type homes) permitted under the RM-5 zoning district.
- 2) The total number of dwelling units shall not exceed 187 units (5.0 units per acre).
- 3) All homes shall be offered for sale to the public.
- 4) No building shall exceed two stories in height as viewed from the front.
- 5) The proximity of Piedmont Triad International Airport shall be disclosed to all purchasers of homes within the development, in the developer's recorded declaration of covenants and restrictions, and within any purchase contract between Developer and initial purchasers.
- 6) The existing residential structure, known as the Bond-McAlister House, and a surrounding area of approximately three (3.0) acres, will be retained and preserved.
- 7) Within the 100-year floodplain of Horse Pen Creek, no fill shall be placed except in association with required street, road or utility crossings.

Mr. Martin presented a land use map and slides of the property and surrounding area.

This property consists of approximately 37.5 acres and is located on the east side of Fleming Road southeast of Chance Road and southwest of Horse Pen Creek Road.

	<u><b>Zoning</b></u>	<u><b>Land Use</b></u>
Subject Property	RS-40 (Co)	Single family dwelling – mostly vacant land
North	CU-GO-M (Co)	Vacant land
East	CU-RM-5 RS-15	Vacant land rezoned by Zoning Commission at April 14, 2003 meeting Horse Pen Creek – vacant land
South	RS-15 RS-40 (Co)	Single family dwelling Vacant land proposed for CU-RS-12
West	RS-40 (Co)	2 single family dwellings

Mr. Martin stated that the Planning Department recommended approval of the request and the Zoning Commission had voted 7 to 0 with one abstention to recommend approval of the request.

The following speakers spoke in favor of the proposed ordinances:

Paul Holst, representative of Portrait Homes with offices located at 441 West Market Street, distributed to Council an illustration of the site plan for the proposed development. He spoke to previous attempts to rezone this property, the related revisions that had been made to a past plan, details of the current proposal and similar development projects of Portrait Homes. Mr. Holst provided information with respect to an area traffic study, storm water/flood plain characteristics of the area near Horse Pen Creek, and planned improvements. He offered to provide a copy of a letter from City staff in which the increase in storm water impact was purportedly termed as a negligible. He advised that the proposal included the preservation of large oak trees and a possible revolutionary war cabin believed to be within a later constructed home on the subject property. Mr. Holst requested Council to vote in favor of the rezoning

Rodney Battles, residing at 4308 Hicone Road, stated he represented Fellowship Hall, and community service agency located adjacent to the subject property. He advised that the Fellowship Hall Board of Directors found this proposal for development most compatible with their goals and requested Council to support the proposal.

The following speakers spoke in opposition of the ordinance:

Tom Dukes, residing at 1902 Haven Road, presented signatures of citizens purportedly opposed to the rezoning request. The Mayor advised that because these signatures were not notarized and would be considered for illustrious purposes. Mr. Dukes, spoke to the history of the annexation and city services received in this area and quoted Mr. Martin and various Council members from previous meetings in which rezoning of this property had been considered and defeated. Mr. Dukes requested Council to deny the rezoning request.

Jack Foxworth, residing at 4818 Fox Chase Road, advised that he had formerly lived at and still owned a residence on Greenwich Drive in the area of the proposed rezoning. He shared his opinion that the potential rezoning had negatively impacted his ability to sell this property.

Bob Johnson, residing at 5612 Bledsoe Drive, detailed his research on the Horse Pen Creek watershed area. He expressed concern with respect to potential negative impact on water quality in Greensboro from the proposed development in this area. He requested Council to deny the rezoning request and to consider the long-term impact of this and other proposed development on Randleman Creek.

Lorraine Bowden of 2074 Lindley Road, stated she spoke on behalf of Henrietta Hunt, who was not able to attend the meeting. She presented signatures purportedly signed by citizens against the high-density development

planned on the property she referred to as the Montcastle's. She relayed concerns with respect to the high density of the proposal and negative impacts of noise from the development. Ms. Bowden requested denial of the proposal. The Mayor noted that these signatures were also not notarized.

Marcia Calloway, residing at 901 Gretchen Lane, stated she was against the proposal and requested Council to deny the proposal.

Virgil Tetsworth, residing at 4623 Country Woods Lane, stated he represented residents of the subdivision, Country Woods. After he presented a petition with signatures of citizens against the proposal, Mr. Tetsworth advised that petition was not notarized, but that he had personally collected the signatures. The City Attorney advised that this petition was admissible. Mr. Tetsworth requested Council to deny the proposal.

(The petition submitted by Mr. Tetsworth is filed in Exhibit Drawer O, Exhibit Number 11 and is hereby referred to and made a part of these minutes.)

The following speakers spoke in rebuttal in favor of the ordinance:

Mr. Holst advised that he believed the conditions proposed by the developer were more beneficial than if the property were developed as straight single-family zoning. He spoke to his firm's history of watershed care in property development.

Mr. Battles talked about various aspects of the history of the subject property and its former owner. He expressed appreciation to those who supported the rezoning.

Henry Isaacson, attorney with offices located at 101 West Friendly Avenue, stated he represented Portrait Homes. He spoke to development in the airport area, shared his opinions with respect to the need for additional housing and the benefit of ample road infrastructure in place, and requested Council to approve the proposals.

The following speakers spoke in rebuttal against the ordinance:

Mr. Dukes presented his opinion of what facts should be found in Council's determination of a decision on the pending requests. He requested Council to deny the requests.

Gary Dent, residing at 3602 Two Oaks Drive, stated he was the president of Quaker Run Homeowners Association. He offered his opinions with respect to best practices for community planning and development.

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Councilmember Carmany moved that the public hearing for these matters be closed. The motion was seconded by Councilmember Vaughan and unanimously adopted by voice vote of Council.

Council discussed various aspects of both zoning proposals.

Mr. Martin provided the following staff recommendation for agenda item 10:

#### **Item 10 – Fleming Road CU-RS-12**

The Planning Department recommends that this request be approved.

This request is compatible with the Generalized Future Land Use Map which shows this area to be Low Residential (3-5 dwelling units per acre).

This proposal creates a buffer of single family lots between the proposed multifamily units of Item D and the single family neighborhood to the south.

The extension of Haven Road to a new connector road between Horse Pen Creek Road and Fleming Road must be provided and must be a city street.

The developer should dedicate the entire right-of-way for the connector road as well as participate in its construction.

The exact alignment and construction participation will be determined during site plan review.

At the request of Council, Scott Bryant, Engineer in the Storm Water Services Division of the Water Resources Department, provided detailed information with respect to issues surrounding storm water quality that pertained to this area.

Steve Stansbury, Traffic Consultant for the Greensboro Department of Transportation, spoke to traffic levels in the area of Horse Pen Creek at Battleground Avenue and details of the proposed rezoning; he advised that, in his opinion, the impact would not be measurable and stated that the intersection of Fleming Road and Bryan Boulevard had been prioritized for signalization due to problematic left turns during peak hours.

Jim Westmoreland, Director of the Department of Transportation, described future road development planned in the area and the roles of bond funds and North Carolina State participation with the City in upcoming projects.

Council held lengthy discussion on this matter.

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Mayor Holliday declared a recess at 8:10 p.m.

The meeting reconvened at 8:30 p.m. with all members of Council present, except for Councilmembers Jessup and Perkins, excused earlier in the meeting.

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Council discussed aspects of water runoff, flood plains, etc. at length with respect to the proposed rezoning cases.

Mr. Martin spoke to the zoning process following annexation of property into the City. He advised that if the property were not zoned by the City, County Zoning would remain in effect for 60 days.

Mr. Martin provided the following staff recommendation for agenda item 11.

#### **Item 11 – Fleming Road CU-RM-5**

The Planning Department recommends that this request be approved.

This request is also compatible with the Generalized Future Land Use Map which shows this area to be Low Residential (3-5 dwelling units per acre).

Furthermore, this request meets such Comprehensive Plan objectives as clustering of residential units, efficient use of land, and preservation of open space and historic resources.

Although a detailed review of the applicant's flood study has not been done, a cursory review by Storm water Services indicates that even assuming 70% built upon area (they should be more in the 30-40% range) the 100-year flood plain elevations will increase by less than one inch and this increase is considered negligible.

The site will be required to meet watershed and quantity control regulations – these are standard regulations whether the site is developed with single family or multifamily units.

However, conditions number 6 in the CU-RS-12 application and number 7 in the CU-RM-5 application exceed the City's floodplain regulations.

Current regulations allow placement of fill in the outer portion of the floodplain known as the floodway fringe.

These conditions do not allow placement of fill in the floodway fringe except for roads and utilities which helps to keep the increase in flood elevations to less than one inch.

Citing his concerns with respect to potential negative impacts on traffic from the density of the proposed development, Councilmember Phillips advised that he could not support the proposals.

Councilmember Gatten stated that she could not support the proposals due to her concerns about the potential negative impact of the proposed development on water quality.

Councilmember Phillips thereupon moved the adoption of the ordinance annexing territory to the corporate limits of property located at 1932 Fleming Road- 53.84 acres. The motion was seconded by Councilmember Johnson and received the following roll call vote of 5-2: Ayes: Burroughs-White, Carmany, Holliday, Johnson, and Vaughan. Noes: Gatten and Phillips.

After the City Attorney advised that because this matter received five affirmative votes it would be brought back for a SECOND READING, it appeared to be the consensus of Council that this matter would be heard again at the August 4, 2003 Council meeting.

NOTE: Subsequent to this Council meeting, the City Attorney ruled that in accordance with the Greensboro Code of Ordinances, the matter would be continued to the August 19, 2003 Council meeting for SECOND READING.

The City Attorney advised that the zoning requests related to the preceding annexation item should be voted on at this time, even though the annexation would be continued for a second reading.

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Councilmember Johnson moved adoption of an ordinance establishing original zoning for this property located on the east side of Fleming Road north of the termini of Norwich Drive, Haven Road and Bledsoe Drive to Conditional Use – RS-12 Residential Single Family be approved based on the following findings of fact:

- 1) The development of the property in accordance with the proposed conditions **will not** materially endanger the public health or safety because **there are no health or safety concerns inherent in the proposed single family residential use of this property.**
- 2) The development of the property in accordance with the proposed conditions **will not** substantially injure the value of adjoining or abutting property because **any such developed property consists of single family detached dwellings.**
- 3) The location and character of the development in accordance with the proposed conditions **will** be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because **this request is compatible with the Generalized Future Land Use Map which shows this area to be Low Residential at 3-5 dwelling units per acre.**

The motion was seconded by Councilmember Burroughs-White. The ordinance received the following roll call vote of 5-2. Ayes: Burroughs-White, Carmany, Holliday, Johnson and Vaughan. Noes: Gatten and Phillips.

After the City Attorney advised that because this matter received five affirmative votes it would be brought back for a SECOND READING, it appeared to be the consensus of Council that this matter would be heard again at the August 4, 2003 Council meeting.



NOTE: Subsequent to this Council meeting, the City Attorney ruled that in accordance with the Greensboro Code of Ordinances, the matter would be continued to the August 19, 2003 Council meeting for SECOND READING.

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Councilmember Burroughs-White thereupon moved that the ordinance establishing original zoning for this property located on the east side of Fleming Road southeast of Chance Road and southwest of Horse Pen Creek Road to Conditional Use – RM-5 Residential Multifamily be adopted based on the following findings of fact:

- 1) The development of the property in accordance with the proposed conditions **will not** materially endanger the public health or safety because **there are no health or safety concerns inherent in the proposed low density residential use of this property.**
- 2) The development of the property in accordance with the proposed conditions **will not** substantially injure the value of adjoining or abutting property because **abutting property is proposed for either low density single family or multifamily uses and will be developed by the same developer.**
- 3) The location and character of the development in accordance with the proposed conditions **will** be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because **this request is compatible with the Generalized Future Land Use Map which shows this area to be Low Residential at 3-5 dwelling units per acre.**

The motion died for lack of a second.

Councilmember Gatten thereupon moved that the ordinance establishing original zoning for this property to Conditional Use – RM-5 Residential Multifamily be DENIED based on the following findings of fact:

- 1) The development of the property in accordance with the proposed conditions will materially endanger public health or safety because there are health and safety concerns inherent in the proposed residential use of this property.
- 2) The development of this property in accordance with the proposal will substantially injure the value of the adjoining or abutting property because it is not in harmony with the overall makeup of this area.

The motion was seconded by Councilmember Burroughs-White; the ordinance was DEFEATED on the following roll call vote: Ayes: Carmany, Gatten, Johnson, Phillips. Noes: Burroughs-White, Vaughan, and Holliday.

Mr. Martin advised that if the property were annexed, the City would have 60 days from the date of annexation to rezone the property.

(A copy of the ordinance as introduced and DEFEATED is filed in Exhibit Drawer O, Exhibit Number Eleven and is hereby referred to and made a part of the minutes.)

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Mayor Holliday introduced so that these matters could be discussed together, an ordinance annexing territory to the corporate limits of property located at 5129 North Church Street-22.6 acres and an ordinance establishing original zoning classification from County Zoning Agricultural to City Zoning Conditional Use RS-15 Residential Single Family for property located on the west side of North Church Street between Orchard Ridge Lane and Summerwalk Road.

Mr. Martin provided the following staff presentation:

## **REQUEST – ITEM 13**

This request is to establish original zoning for property from County Zoning Agricultural to City Zoning Conditional Use – RS-15 Residential Single Family.

The Agricultural District is primarily intended to accommodate uses of an agricultural nature including farm residences and scattered nonfarm residences on large tracts of land.

The RS-15 District is primarily intended to accommodate single family detached dwellings at a density of 2.5 units per acre or less.

#### **CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT**

- 1) Uses: All those uses permitted in the RS-15 zoning district.
- 2) The property will be developed to contain a maximum of 51 single family detached lots, including the existing residence on the property.

Mr. Martin presented a land use map and slides to describe the property and surrounding area.

This property consists of approximately 22.6 acres and is located on the west side of North Church Street between Orchard Ridge Lane and Summerwalk Road.

	<u><b>Zoning</b></u>	<u><b>Land Use</b></u>
Subject Property	AG	Single family dwelling & vacant land
North	AG	Vacant land
East	AG, CU-RS-20	Approximately 8 single family dwellings
South	AG	Single family dwelling & vacant land
West	RS-12 CU-PDM	Several single family dwellings on Lucas Park Drive 2 single family dwellings

Mr. Martin stated that the Planning Department recommended approval of this request and that the Zoning Commission had voted 7 to 0 with one abstention to recommend approval of the request.

Mayor Holliday administered the oath to those present who wished to speak to this matter.

The Mayor asked if anyone wished to be heard.

Speaking in favor was Charlie Melvin, attorney with offices located at 300 North Greene Street and representative of the property owner, Redwolf Development Company. He presented for illustrious purposes, a site plan for the development and spoke to characteristics of the property as they related to the proposal. He advised that in his opinion, the proposal was compatible with the existing area.

There being no one present who wished to speak in opposition, Councilmember Vaughan moved that the public hearing be closed. The motion was seconded by Councilmember Phillips and unanimously adopted by voice vote of Council.

Mr. Martin provided the following staff recommendation:

#### **Item 13 – Church Street**

The Planning Department recommends that this original zoning request be approved.

The Generalized Future Land Use Map designates this area as Low Residential (3-5 dwelling units/acre).

At their meeting of May 21, 2003, the Planning Board unanimously recommended the annexation of this property.

There is a 12-inch city water line in North Church Street alongside this property.

The Water Resources Department informed staff and the Planning Board that a lift station, to be paid for by the developer, would likely be needed to provide sewer service to this property.

This property is in Tier 3 of the Watershed Critical Area.

Land disturbance will be limited to a maximum of 60% of the usable property that may be disturbed, e.g. property not lying within stream buffers or 15% slopes adjacent to drainage ways.

Although the condition establishes a maximum of 51 single family detached lots, the applicant may not achieve this total number of units, depending upon steep slopes, streams, and meeting the minimum watershed requirements.

Councilmember Johnson thereupon moved that the ordinance annexing territory to the corporate limits of property located at 5129 North Church Street – 22.6 acres, be adopted. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Phillips and Vaughan. Noes: None.

03-164 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 5129 NORTH CHURCH STREET – 22.6 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro city limit line, said point being the southeast corner of Brian R. Napier and wife, as recorded at Deed Book 2907, Page 749 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS with Napier's south line N 88° 12' 30" E 649.52 feet to a point; thence continuing with said south line S 66° 57' 19" E 488.46 feet to the northernmost corner of Lot 1 of Sandine K. Wilson Property, as recorded at Plat Book 79, Page 95 in the Office of the Register of Deeds; thence S 31° 11' 41" W 454.54 feet along the northwest lines of Lots 1, 2, and 3 of said subdivision to the westernmost corner of said Lot 3; thence S 66° 58' 59" E 279.69 feet along the southwest line of said Lot 3 to a point in the west right-of-way line of North Church Street; thence with said right-of-way line, running parallel to and 40 feet west of the centerline, the following courses and distances: S 31° 10' 19" W 166.47 feet to a point, and S 29° 08' 01" W 58.27 feet to a point; thence continuing with said right-of-way line S 66° 59' 00" E 7.93 feet to a point; thence with said right-of-way line, running parallel to and 30 feet west of the centerline, S 27° 37' 32" W 118.60 feet to a point; thence S 88° 18' 00" W 983.05 feet with the north line of Otis B. Osborne and wife, as recorded at Deed Book 4704, Page 1593 in the Office of the Register of Deeds, to a point in the east line of Common Area of Lake Jeanette East Park, Phase 1, as recorded at Plat Book 112, Page 24 in the Office of the Register of Deeds; thence N 02° 45' 36" E 145.57 feet along the east line of said Common Area to a point; thence N 01° 54' 04" E 124.20 feet along the east line of said Common Area to a point in the existing city limits, said point also being the southeast corner of Map 1 of Eastern Shores, as recorded at Plat Book 110, Page 109 in the Office of the Register of Deeds; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS N 01° 00' 20" E 730.43 feet to the point and place of BEGINNING, and containing approximately 22.63 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after September 30, 2003, the liability for municipal taxes for the 2003-2004 fiscal year shall be prorated on the basis of 9/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2004. Municipal ad valorem taxes for the 2004-2005 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after September 30, 2003.

(Signed) Yvonne J. Johnson

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Councilmember Burroughs-White thereupon moved adoption of the ordinance establishing original zoning classification from County Zoning Agricultural to City Zoning Conditional Use RS-15 Residential Single Family for property located on the west side of North Church Street between Orchard Ridge Lane and Summerwalk Road based on the following findings of fact:

- 1) The development of the property in accordance with the proposed conditions **will not** materially endanger the public health or safety because **there are no health or safety concerns inherent in the development of this property for single family detached dwellings.**
- 2) The development of the property in accordance with the proposed conditions **will not** substantially injure the value of adjoining or abutting property because **the majority of properties in this area are zoned for single family uses with lot sizes typically grading between those allowed in RS-12 and RS-40.**
- 3) The location and character of the development in accordance with the proposed conditions **will** be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because **the Generalized Future Land Use Map designates this area as Low Residential and development will be governed by Watershed Critical Area requirements.**

The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Phillips and Vaughan. Noes: None.

03-165 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF CONDITIONAL USE PERMIT

WEST SIDE OF NORTH CHURCH STREET BETWEEN ORCHARD RIDGE LANE AND SUMMERWALK ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Agricultural to City Zoning Conditional Use – RS-15 Residential Single Family (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the existing Greensboro city limit line, said point being the southeast corner of Brian R. Napier and wife, as recorded at Deed Book 2907, Page 749 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS with Napier's south line N 88° 12' 30" E 649.52 feet to a point; thence continuing with said south line S 66° 57' 19" E 488.46 feet to the northernmost corner of Lot 1 of Sandine K. Wilson Property, as recorded at Plat Book 79, Page 95 in the Office of the Register of Deeds; thence S 31° 11' 41" W 454.54 feet along the northwest lines of Lots 1, 2, and

3 of said subdivision to the westernmost corner of said Lot 3; thence S 66° 58' 59" E 279.69 feet along the southwest line of said Lot 3 to a point in the west right-of-way line of North Church Street; thence with said right-of-way line, running parallel to and 40 feet west of the centerline, the following courses and distances: S 31° 10' 19" W 166.47 feet to a point, and S 29° 08' 01" W 58.27 feet to a point; thence continuing with said right-of-way line S 66° 59' 00" E 7.93 feet to a point; thence with said right-of-way line, running parallel to and 30 feet west of the centerline, S 27° 37' 32" W 118.60 feet to a point; thence S 88° 18' 00" W 983.05 feet with the north line of Otis B. Osborne and wife, as recorded at Deed Book 4704, Page 1593 in the Office of the Register of Deeds, to a point in the east line of Common Area of Lake Jeanette East Park, Phase 1, as recorded at Plat Book 112, Page 24 in the Office of the Register of Deeds; thence N 02° 45' 36" E 145.57 feet along the east line of said Common Area to a point; thence N 01° 54' 04" E 124.20 feet along the east line of said Common Area to a point in the existing city limits, said point also being the southeast corner of Map 1 of Eastern Shores, as recorded at Plat Book 110, Page 109 in the Office of the Register of Deeds; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS N 01° 00' 20" E 730.43 feet to the point and place of BEGINNING, and containing approximately 22.63 acres.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

- 1) Uses: All those uses permitted in the RS-15 zoning district.
- 2) The property will be developed to contain a maximum of 51 single family detached lots, including the existing residence on the property.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective upon the date of annexation.

(Signed) Claudette Burroughs-White

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Mayor Holliday stated this was the time and place set for a public hearing to consider an ordinance rezoning from Conditional Use-RS-12 Residential Single Family to Conditional Use—RS-12 Residential Single Family with various provisions for property located on the east side of Guilford College Road between Gardner Lane and Chadwick Drive. He stated this matter received a vote of (5-2 with one abstention) by the Zoning Commission to recommend approval of the zoning.

Mr. Martin provided the following staff presentation:

#### **REQUEST – ITEM 14**

This request is to rezone property from Conditional Use – RS-12 Residential Single Family to Conditional Use – RS-12 Residential Single Family.

The RS-12 District is primarily intended to accommodate single family detached dwellings at a density of 3.0 units per acre or less.

The existing CU-RS-12 District contains the conditions which are listed on the agenda and in the copy of the staff presentation:

- 1) Uses: Those uses permitted in the RS-12 Residential Single Family District.
- 2) The property shall be developed in a manner to contain no greater than 41 lots for single family detached residences.
- 3) Landscaping shall be installed along the northern property line for a distance of 600 feet, being a planting of evergreen trees on 20-foot centers.
- 4) A minimum 4-foot high wooden fence shall be installed along the northern property line for a distance of 800 feet, adjacent to the evergreen trees planted there plus an additional 200 feet.
- 5) From the termination of the 800-foot long wooden fence along the balance of the northern property line there shall be provided an undisturbed area having a minimum width of 20 feet.
- 6) Along the southern property line, commencing 430 feet from Guilford College Road and extending from such point in an easterly direction 568 feet, there shall also be provided an undisturbed area having a minimum width of 20 feet.
- 7) Within the undisturbed areas described in conditions 5) and 6), no structures of any kind will be allowed nor will any trees in excess of three inches in diameter as measured twelve inches or less from the ground be removed. Within the undisturbed areas, mechanical mowing shall be permitted as well as the removal of dead, diseased, deformed, poisonous or noxious vegetation. Also, the erection of a privacy fence shall be permitted within the undisturbed areas.
- 8) A planting of evergreen trees, 10-foot on center, shall be provided along the western property line presently owned by Lee Perdue.
- 9) The frontage of the property along Guilford College Road shall be landscaped in accordance with the street yard requirements of Section 30-5-4 of the Development Ordinance; Conditions 3) through 9) above pertaining to landscaping and fencing shall not apply if the adjoining property has been further subdivided and/or developed in a manner other than the existing large-lot residential development.
- 10) All utilities will be located along the street side of each lot. No utilities will be located at the rear of lots.

#### **CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT**

- 1) Uses: Those uses permitted in the RS-12 Residential Single Family District.
- 2) The property shall be developed in a manner to contain no greater than 52 lots for single family detached residences.
- 3) Landscaping shall be installed along the northern property line for a distance of 600 feet, being a planting of evergreen trees on 20-foot centers.
- 4) A minimum 4-foot high wooden fence shall be installed along the northern property line for a distance of 800 feet adjacent to the evergreen trees planted there plus an additional 200 feet.
- 5) From the termination of the 800-foot long wooden fence along the balance of the northern property line there shall be provided an undisturbed area having a minimum width of 20 feet.
- 6) Along the southern property line, commencing 430 feet from Guilford College Road and extending from such point in an easterly direction 568 feet, there shall also be provided an undisturbed area having a minimum width of 20 feet.
- 7) Within the undisturbed areas described in conditions 5) and 6), no structures of any kind will be allowed nor will any trees in excess of three inches in diameter as measured twelve inches or less from the ground be removed. Within the undisturbed areas, mechanical mowing shall be permitted as well as the removal of dead, diseased, deformed, poisonous or noxious vegetation. Also, the erection of a privacy fence shall be permitted within the undisturbed areas.
- 8) A planting of evergreen trees, 20-foot on center, shall be provided along the western property line presently or previously owned by Lee Perdue.
- 9) The frontage of the property along Guilford College Road shall be landscaped in accordance with the street yard requirements of Section 30-5-4 of the Development Ordinance; conditions 3) through 9) above pertaining to landscaping and fencing shall not apply if the adjoining property has been further subdivided and/or developed in a manner other than the existing large-lot residential development.
- 10) All utilities will be located along the street side of each lot. No utilities will be located at the rear of lots.

Mr. Martin presented a map and slides to describe the property, surrounding land use and zoning.

This property consists of approximately 20.0 acres and is located on the east side of Guilford College Road between Gardner Lane and Chadwick Drive.

	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
Subject Property	CU-RS-12	Vacant land
North	RS-40	Single family dwellings & vacant land
East	RS-40, AG	Vacant land
South	CU-RS-12 AG, RS-40	Single family dwellings at cul-de-sac of Butterwood Drive Scattered single family dwellings & vacant land
West	RS-40	Jamestown Presbyterian Church & single family dwelling

Mr. Martin stated that the Planning Department recommended approval of the request and the Zoning Commission voted 5 to 2 with one abstention to recommend approval of the request. During presentation of slides and a land-use map, he described the property and surrounding area.

The Mayor administered the oath to those who wished to speak to this matter

The following speakers spoke in favor of the proposal:

Charlie Melvin, residing at 300 North Greene Street, stated he represented Kavanagh Associates, John Kavanagh and Company. He advised that the condition necessary for this proposal was to permit construction of fifty-two versus forty one homes under the present RS 12 Residential Single Family zoning by slightly reducing lot size requirements. Mr. Melvin spoke to previous attempts to rezone this property, presented an illustrious plan for the proposed development, and outlined his opinion on reasons he believed the plan would be beneficial to the development of this area.

John Kavanagh, residing at 1810 Pembroke Road, stated that in his opinion, the development would not negatively impact the property appearance and would not significantly increase area school enrollment.

Maurice Hull, stated he represented Chuck Ledford, a neighboring property owner, who was not opposed and had worked out an arrangement based on the illustrative site plan presented that included restrictive covenants, smaller lots, a home owners association, and tree preservation, fencing and landscaping installation prior to construction. He advised that with these arrangements, Mr. Ledford no longer opposed the project

The following speakers spoke in opposition to the rezoning:

Linda Young, residing at 205 Chadwick Drive, spoke to characteristics of the neighborhood in terms of acreage of lots, construction materials of homes and current zoning standards. She presented a video to illustrate the character, size and development of the neighborhood. Ms. Young expressed concern that the character of the proposed development could devalue her property and that the impact on schools could be greater than the proponents had suggested.

The following speaker spoke in rebuttal in favor of the proposed zoning:

Mr. Melvin compared the development proposed to another development of Kavanagh and Associates' in terms of quality and characteristics. He advised that in his opinion, the development would be self contained and would not impact the surrounding neighborhood.

Speaking in rebuttal against the proposal, Ms. Young expressed concern with regard to the limited detail of the proposed development.

Mr. Martin explained that the process for rezoning would not include additional detail at this preliminary stage.

Councilmember Gatten moved that the public hearing be closed. The motion was seconded by Councilmember Vaughan and unanimously adopted by voice vote of Council.

Mr. Martin provided the following staff recommendation:

#### **Item 14 – Guilford College Road**

The Planning Department recommends that this request be approved.

This original zoning of this property to CU-RS-12 was approved by City Council and became effective upon annexation on May 31, 2001.

It received a favorable recommendation from the Zoning Commission and staff recommended approval of the original zoning which allowed for a maximum of 41 single family lots.

This proposal retains all conditions but increases the number of lots to a maximum of 52.

Since the Generalized Future Land Use Map designates this area as Moderate Residential (6-12 dwelling units/acre), this proposal moves closer to the higher density called for in Connections 2025 than what the present zoning would allow.

However, given the streams and their location on this and surrounding property, it is reasonable from a stream corridor and water quality protection standpoint, as well as floodplain and storm water management standpoint, to have this property remain at a lower density.

Mr. Martin advised that this was the last conditional use zoning Council would receive due to changes in State legislation.

Councilmember Carmany stated that she was not comfortable rezoning the property, which had been zoned 7-8 years earlier, because the proposed density was in her opinion, significantly greater than the current zoning permitted.

Councilmember Gatten thereupon moved adoption of the ordinance rezoning from Conditional Use RS-12 Residential Single Family to Conditional Use- RS-12 Residential Single Family with various provisions for property located on the east side of Guilford College Road between Gardner Lane and Chadwick Drive based on the following findings of fact:

- 1) The development of the property in accordance with the proposed conditions **will not** materially endanger the public health or safety because **there are no health or safety concerns inherent in the use of the property for a single family subdivision.**
- 2) The development of the property in accordance with the proposed conditions **will not** substantially injure the value of adjoining or abutting property because **conditions have been carried forth which provide for perimeter buffers of landscaping, fencing and undisturbed areas.**
- 3) The location and character of the development in accordance with the proposed conditions **will** be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because **this proposal carries forth a similar zoning classification to what presently exists along with the same conditions, because single family zoning is compatible with the surrounding area, and because this proposal moves closer to meeting the Connections 2025 designation for Moderate Residential.**

The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Gatten, Holliday, Johnson, Phillips and Vaughan. Noes: Carmany.



03-166 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF CONDITIONAL USE PERMIT

EAST SIDE OF GUILFORD COLLEGE ROAD BETWEEN GARDNER LANE AND CHADWICK DRIVE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from Conditional Use –RS-12 Residential Single Family to Conditional Use – RS-12 Residential Single Family (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the eastern right-of-way line of Guilford College Road, said point being the southwest corner of the property now or formerly of Billy R. Nance; thence along Nance's southern line S83° 38'51"E 1,052.32 feet to a point; thence S83° 38'06"E 299.67 feet to a point; thence S83° 38'40"E 415.48 feet to a point; thence S83° 43'00"E 164.85 feet to a point in the western line of the property now or formerly of Barber and running thence along Barber's western line S06° 53'36"W 523.06 feet to Barber's southwest corner; thence along the northern line of Brook Run Subdivision Phase 4 and others N82° 07'37"W 786.37 feet to a point; thence continuing N82° 08'43"W 227.06 feet to a point; thence continuing N82° 08'15"W 294.78 feet to a point; thence N82° 08'20"W 274.06 feet to a point; thence N04° 50'38"E 270.30 feet to a point; thence N82° 08'27"W 368.19 feet to a point in the eastern right-of-way line of Guilford College Road; thence along said eastern right-of-way line the following courses and distances: N04° 50'38"E 3.60 feet, N15° 00'03"E 99.99 feet and N14° 20'15"E 99.74 feet to the point and place of BEGINNING.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

- 1) Uses: Those uses permitted in the RS-12 Residential Single Family District.
- 2) The property shall be developed in a manner to contain no greater than 52 lots for single family detached residences.
- 3) Landscaping shall be installed along the northern property line for a distance of 600 feet, being a planting of evergreen trees on 20-foot centers.
- 4) A minimum 4-foot high wooden fence shall be installed along the northern property line for a distance of 800 feet adjacent to the evergreen trees planted there plus an additional 200 feet.
- 5) From the termination of the 800-foot long wooden fence along the balance of the northern property line there shall be provided an undisturbed area having a minimum width of 20 feet.
- 6) Along the southern property line, commencing 430 feet from Guilford College Road and extending from such point in an easterly direction 568 feet, there shall also be provided an undisturbed area having a minimum width of 20 feet.
- 7) Within the undisturbed areas described in conditions 5) and 6), no structures of any kind will be allowed nor will any trees in excess of three inches in diameter as measured twelve inches or less from the ground be removed. Within the undisturbed areas, mechanical mowing shall be permitted as well as the removal of dead, diseased, deformed, poisonous or noxious vegetation. Also, the erection of a privacy fence shall be permitted within the undisturbed areas.
- 8) A planting of evergreen trees, 10-foot on center, shall be provided along the western property line presently or previously owned by Lee Perdue.
- 9) The frontage of the property along Guilford College Road shall be landscaped in accordance with the street yard requirements of Section 30-5-4 of the Development Ordinance; conditions 3) through 9) above pertaining to landscaping and fencing shall not apply if the adjoining property has been further subdivided and/or developed in a manner other than the existing large-lot residential development.
- 10) All utilities will be located along the street side of each lot. No utilities will be located at the rear of lots.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final

plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

(Signed) Florence F. Gatten

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Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution authorizing City Manager to submit a Brownfield Economic Development Initiative (BEDI) Grant Application and a Community Development Section 108 Loan Application to the US Department of Housing and Urban Development for the South Elm Street area.

The City Manager advised that this action would meet Council's goal to improve the physical condition of the Elm Street and Lee Street intersection. He advised that this request for \$5.5 million in federal funds and \$1 million in City funds was follow up action to the Housing and Community Development staff's receipt of an Environmental Protection Agency Assessment Grant and highly recommended this action for encouraging development through public and private partnership.

Dan Curry, Community Development Planning Manager with the Housing and Community Development Department, presented power point slides to provide an overview of the proposal. He described brownfields, spoke to the need to revitalize this area which would join downtown Greensboro, displayed views of the property and surrounding area, and advised that the money already received would be used to assess the environmental condition of the property, prepare clean-up strategies and develop land. Mr. Curry advised that the Brownfield Economic Development Initiative (BEDI) was a unique opportunity that allowed flexible spending for various uses, explained the process that would be involved and noted that citizens would participate in the planning process. He explained that \$3 million of the \$6.5 million funding would be in the form of a loan and provided additional funding information. (A copy of the power point presentation is filed in Exhibit Drawer O-11 and is hereby referred to and made a part of the minutes.)

The City Manager advised that the projected funding was a preliminary guess at this time. He noted that the terms of the loan were to be determined and the City's commitment was needed to secure the repayable Community Development Grant funds and spoke to the time line for the anticipated process and estimates of terms for the loan repayment.

Mayor Holliday asked if anyone wished to speak to this matter. No one present wished to be heard.

Councilmember Vaughan moved that the public hearing be closed. The motion was seconded by Councilmember Carmany and unanimously adopted by voice vote of Council.

After several members of Council expressed support and enthusiasm for the proposal, Councilmember Phillips moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Phillips and Vaughan. Noes: None.

148-03 RESOLUTION AUTHORIZING CITY MANAGER TO SUBMIT A BROWNFIELD ECONOMIC DEVELOPMENT INITIATIVE (BEDI) GRANT APPLICATION AND A COMMUNITY DEVELOPMENT SECTION 108 LOAN APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE SOUTH ELM STREET AREA

WHEREAS, the City has recently been awarded a \$200,000 Brownfield Assessment Grant from the Environmental Protection Agency to initiate a more detailed study of the environmental conditions and potential reuse opportunities present in the South Elm Street area which was previously considered for a downtown stadium site;

WHEREAS, since the EPA grant is limited to assessment and planning activities, public funding identified for remediation of any contaminated sites is not yet available, nor is there any funding available for other initiatives to encourage new development;

WHEREAS, the U.S. Department of Housing and Urban Development is currently seeking applications from local governments for Brownfield Economic Development Initiative (BEDI) Grants;

WHEREAS, the maximum BEDI grant amount is \$2,000,000 and it must be requested in conjunction with a Section 108 Loan of at least equal amount;

WHEREAS, to be competitive, the Section 108 Loan should exceed the BEDI grant amount;

WHEREAS, eligible activities for the BEDI grant and Section 108 Loan funds include: site remediation, land write-downs, infrastructure improvements, funding reserves, enhancing the security of the 108 Loan, financing to businesses/developers, or any combination of these activities;

WHEREAS, City Staff are preparing a BEDI Grant and Section 108 Loan application for the South Elm Street area in collaboration with Downtown Greensboro, Inc., the City's lead agent for downtown planning and development;

WHEREAS, the Section 108 Loan application will require the City to guarantee payback of the principal and interest of the \$3,000,000 loan using future Community Development Block Grant (CDBG) funds;

WHEREAS, the City expects to realize a minimum of \$1,000,000 in lot sales revenues from the resale of the properties to private developers;

WHEREAS, the City is being asked to make a pre-development funding commitment in the amount of \$1,050,000 which would go towards preparing the project site for private development;

WHEREAS, it is in the best interest of the City to secure funding for the continued development of the downtown area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Manager is hereby authorized to submit the application to the U.S. Department of Housing and Urban Development for a \$2,000,000 Brownfield Economics Development Initiative (BEDI) grant.
2. That the City Manager is hereby authorized to submit a Section 108 Loan application in the amount of \$3,000,000, including the commitment of \$1,050,000 of pre-development infrastructure improvement funding.
3. That the City intends to fund any remaining Section 108 loan debt service payments that are not covered by lot sales revenues from Community Development Block Grant Funds or the City General Fund.

(Signed) Thomas M. Phillips

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Moving to the Consent Agenda, the City Manager advised that item 27, an ordinance amending Chapter 11 of the Greensboro Code of Ordinances, required further technical work by staff and would be brought to Council at a later date. Councilmember Johnson moved to withdraw the item from the Consent Agenda. The motion was seconded by Councilmember Vaughan and unanimously adopted by voice vote of Council. Councilmember Vaughan thereupon moved adoption of the ordinances, resolution and motion on the amended Consent Agenda. The motion was seconded by Councilmember Carmany. The amended Consent Agenda was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Phillips and Vaughan. Noes: None.

03-167 ORDINANCE AMENDING THE FEDERAL, STATE, AND OTHER GRANTS FUND BUDGET FOR THE

PURPOSE OF PROVIDING FUNDING FOR STRUCTURAL COLLAPSE TRAINING

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Federal, State, and Other Grants Fund Budget of the City of Greensboro is hereby amended as follow:

That the appropriation for the Federal, State, and Other Grants Fund Budget be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4058-01 .5520	Seminar/Training Expense	\$ 4,100
TOTAL:		\$ 4,100

And, that this increase be financed by increasing the following Federal, State, and Other Grants Fund Budget accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4058-01.7110	State Grant	\$ 4,100
TOTAL:		\$ 4,100

(Signed) Donald R. Vaughan

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148-03 ORDINANCE ESTABLISHING THE FY 03-04 STATE, FEDERAL AND OTHER GRANTS PROJECT BUDGET FOR THE ST. JAMES HOMES SUPPLEMENTAL POLICE SERVICES GRANT

BE IT ORDAINED BY THE CITY COUNCIL OF GREENSBORO:

That the State, Federal, and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State, Federal, and Other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3584-01.4210	Overtime	\$18,324
220-3584-01.4510	FICA	308
220-3584-01.4520	Retirement	<u>2,589</u>
<b>Total</b>		<b>\$21,221</b>

And that this increase be financed by increasing the following State, Federal, and Other Grants Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3584-01.7100	Federal Grant	<u>\$18,324</u>
Total		\$21,221

(Signed) Donald R. Vaughan

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03-168 ORDINANCE AMENDING SOLID WASTE CAPITAL RESERVE AND CAPITAL IMPROVEMENTS  
PROJECT FUND BUDGETS FOR FY 03-04 ACTIVITIES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1) That the Solid Waste Capital Improvements Project Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation for the Solid Waste Capital Improvements Project Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
554-6509-04.6011	Land	<u>\$843,825</u>
<b>Total</b>		<b>\$843,825</b>

and that this increase be financed by increasing the following Solid Waste Capital Improvements Project Fund amount:

554-0000-00.9552	Transfer from Solid Waste Capital Reserve Fund	<u>\$843,825</u>
<b>Total</b>		<b>\$843,825</b>

2) That the Solid Waste Capital Reserve Fund of the City of Greensboro is hereby amended as follows:

That the appropriation for the Solid Waste Capital Reserve Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
552-6509-01.6554	Transfer to Solid Waste Capital Improvements Project Fund	<u>\$843,825</u>
<b>Total</b>		<b>\$843,825</b>

and that this increase be financed by increasing the following Solid Waste Capital Reserve Fund Amount:

552-0000-00.8900	Appropriated Fund Balance	<u>\$843,825</u>
<b>Total</b>		<b>\$843,825</b>

(Signed) Donald R. Vaughan

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03-169 RESOLUTION APPROVING AND AUTHORIZING WRITE OFF FOR COLISEUM MISCELLANEOUS  
BILLING TO INTERNATIONAL SPORTS PROPERTIES (DISCUS) FOR SIGNAGE AGREEMENT

WHEREAS, the Coliseum contracted with ISP of Winston Salem as an outside agency for advertising on Coliseum premises through December 31, 1998;

WHEREAS, Discuss was an advertiser on the scoreboard during that time and, after the Coliseum separation with ISP, Discuss verbally committed to continue advertising on the scoreboard through the Spring of 1999;

WHEREAS, under direction of Discus, Siquis Ltd, the advertising agency for Discus, paid \$25,000 to ISP during this transition period;

WHEREAS, Discus stated that it paid ISP the \$25,000, when in fact, Discus paid ISP for monies owed ISP for the Coliseum for the period ending December 31, 1997 and had not paid the \$25,000 owed the coliseum for the 1999 period when the Coliseum was advertising for Discus without a written contract;

WHEREAS, the contract with Discus was never executed and the employee initiating the verbal extension of the contract was no longer employed with Discus and the company filed for re-organization bankruptcy;

WHEREAS, in view of the information provided above, it is recommended that the amount of \$25,000 to be written off as uncollectible account to be retroactive for the year end closing June 30, 2003.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the write of for Invoice No. 251781 in the amount of \$25,000 is hereby approved and the Coliseum is hereby authorized to write this amount off as an uncollectible account for Account No. 521-0000-00.3850 to be retroactive for the year end closing June 30, 2003.

(Signed) Donald R. Vaughan

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150-03 RESOLUTION APPROVING AND AUTHORIZING WRITE OFF FOR COLISEUM MISCELLANEOUS BILLING TO WALJO PRODUCTIONS FOR RENTAL AND FEES OF COLISEUM.

WHEREAS, Waljo Productions rented the SEC on April 12, 1997 for the purpose of presenting the Waljo Gospel Music Awards;

WHEREAS, the total amount invoiced for services was \$35,984.74 less deposit received in the amount of \$3,000.00;

WHEREAS, additional partial payments were received between June and October of 1997 totaling \$7,000.00;

WHEREAS, the current amount owed by Waljo Productions is \$25,984.74.

WHEREAS, after unsuccessful collection efforts by the Greensboro Coliseum and Collections of the City of Greensboro, the City of Greensboro obtained a judgment in the total amount of \$25,984.74 against Waljo Productions on January 28, 2002 which will be good for ten years;

WHEREAS, in view of the information provided above, it is recommended that the amount of \$25,984.74 be written off as uncollectible account to be retroactive for the year end closing June 30, 2003.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the write off for Invoice No. 189495 in the amount of \$25,984.74 is hereby approved and the Coliseum is hereby authorized to write this amount off as an uncollectible account for Account No. 521-0000-00.3850 to be retroactive for the year end closing June 30, 2003.

(Signed) Donald R. Vaughan

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151-03 RESOLUTION AUTHORIZING INSTALLATION OF AN 8-INCH WATER LINE ALONG BUCHANAN CHURCH ROAD AND AN 8-INCH SEWER LINE ALONG BUCHANAN ROAD UNDER AGREEMENT BETWEEN CITY OF GREENSBORO AND GUILFORD COUNTY

WHEREAS, Guilford County has recently authorized the installation of an 8-inch water line and an 8-inch sewer line along Buchanan Road from US 70/ Burlington Road approximately 1200' to the south across the property frontage to serve Gorla Enterprises, in accordance with the Consolidated Water and Sewer Agreement between the County and the City;

WHEREAS, the project will be privately financed by the owner;

WHEREAS, in the opinion of the City Council, the best interest of the City will be served by the construction of the 8-inch water and sewer lines in accordance with said agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the construction of the above mentioned 8-inch water and sewer lines in accordance with the agreement between the City of Greensboro and Guilford County is hereby authorized; provided that there shall be no assessments levied.

(Signed) Donald R. Vaughan

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152-03 RESOLUTION APPROVING EXCHANGE OF EASEMENTS BETWEEN THE CITY OF GREENSBORO AND GREENSBORO AUCTION FOR THE SOUTH BUFFALO OUTFALL PROJECT

WHEREAS, Guilford Mills conveyed easements to the City of Greensboro for the South Buffalo Outfall Project in October, 2000;

WHEREAS, since that time, Guilford Mills conveyed the property to Greensboro Auto Auction;

WHEREAS, Greensboro Auto Auction has requested a design modification on the outfall design as the original design seriously affected Greensboro Auto Auction's parking lot;

WHEREAS, in exchange for the design change, the City requested that Greensboro Auto Auction agree to dedicate the new right of way in exchange for the old right of way;

WHEREAS, it is in the best interest of the City of Greensboro to exchange said easements for the South Buffalo Outfall Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the exchange of easements between the City of Greensboro and Greensboro Auto Auction for the South Buffalo Outfall Project is hereby approved.

(Signed) Donald R. Vaughan

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153-03 RESOLUTION APPROVING EXCHANGE OF EASEMENTS BETWEEN THE CITY OF GREENSBORO AND FURNITURE INDUSTRIES, LLC AND HORNADAY ROAD ASSOCIATES, LLC FOR THE GALLIMORE DAIRY ROAD LIFT STATION AND FORCE MAIN PROJECT

WHEREAS, the City previously acquired an easement for installation of a sanitary sewer force main from Furniture Industries LLC and Hornaday Road Associates, LLC for the Gallimore Dairy Road Lift Station and Force Main Project;

WHEREAS, during construction of the owner's buildings and parking lot, they built within our easement making it necessary for the City to acquire a new easement in exchange for the easement previously acquired;

WHEREAS, the sewer has been installed and a new deed of easement has been drawn for the new force main;

WHEREAS, it is in the best interest of the City of Greensboro and Furniture Industries, LLC and Hornaday Road Associates, LLC to exchange said easements for the Gallimore Dairy Road Lift Station and Force Main Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the exchange of easements between the City of Greensboro and Furniture Industries, LLC and Hornaday Road Associations, LLC is hereby approved.

(Signed) Donald R. Vaughan

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154-03 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2003-04 WITH BAKER ROOFING FOR THE DAVIE STREET PARKING DECK REPAIRS PROJECT

WHEREAS, after due notice, bids have been received for the Davie Street Parking Deck repairs;

WHEREAS, Baker Roofing, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$1,037,087.00 as general contractor for Contract No. 2003-04, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Baker Roofing is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 545-4535-01.6019 Lawson #03148.

(Signed) Donald R. Vaughan

(A tabulation of bids for Contract Number 2003-04 is filed with the above resolution and is hereby referred to and made a part of the minutes.)

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155-03 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2003-16 WITH REYNOLDS, INC. FOR SANITARY SEWER REHABILITATION PROJECT "H"

WHEREAS, after due notice, bids have been received for Sanitary Sewer Rehabilitation Project "H";

WHEREAS, Reynolds, Inc., a responsible bidder, has submitted the low base and alternate bid in the total amount of \$1,619,360.00 as general contractor for Contract No. 2003-16, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Reynolds, Inc. is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 510-7062-03.6017 CBR 003.

(Signed) Donald R. Vaughan



(A tabulation of bids for contract number 2003-16 for Sanitary Sewer Rehabilitation Project H is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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156-03 RESOLUTION AUTHORIZING BRYAN PARK SOCCER COMPLEX LEASE AGREEMENT BETWEEN CITY OF GREENSBORO AND THE GREENSBORO YOUTH SOCCER ASSOCIATION

WHEREAS, the Greensboro Youth Soccer Association was developed in the late 1980's and has the reputation of being one of the finest soccer facilities in the Southeastern United States and utilizes what is known as the Bryan Park Soccer Complex;

WHEREAS, the City of Greensboro and the Greensboro Youth Soccer Association have formed a public private partnership which extends beyond the association with the Bryan Park Soccer Complex working together to put together a program regarded as the premier soccer program in North Carolina;

WHEREAS, the Greensboro Youth Soccer Association has raised over four million dollars over the past decade for capital improvements to the Bryan Park Soccer Complex making it one of the top complexes in the nation;

WHEREAS, in 2003 the Jim Batten Complex was completed adding six additional fields, over 300 more paved parking spaces and a permanent building on the site which houses concessions, restrooms, a medical training room and storage to further enhance the Bryan Park Soccer Complex;

WHEREAS, the Greensboro Youth Soccer Association wishes to enter into leases with the City for the Jim Batten Complex at Bryan Park, said Lease Agreements presented herewith this day;

WHEREAS, by entering into said Lease Agreements the City of Greensboro and the Greensboro Youth Soccer Association may continue to be co-sponsors in providing not only the best soccer facility but also the best soccer program.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the City of Greensboro is hereby authorized to execute lease agreements with Greensboro Youth Soccer Association for the Bryan Park Soccer Complex.

(Signed) Donald R. Vaughan

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157-03 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2002-61 WITH SUMMIT STRUCTURES, INC. FOR THE GREENSBORO COLISEUM COMPLEX - PAVILION IMPROVEMENTS

WHEREAS, Contract No. 2002-61 with Summit Structures, Inc. provides for the Greensboro Coliseum Complex Pavilion;

WHEREAS, in order to alleviate the added expense of removing and reinstalling light fixtures and the fire suppression sprinkler system during the installation of the insulation and liner to meet event requirements to hang banners, Summit Structures has agreed to customize the design in order not to interfere with the light fixtures and existing sprinkler heads, thereby necessitating a change order in the contract in the amount of \$122,500.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Summit Structures, Inc. for the Coliseum Complex Pavilion improvements is hereby authorized at a total cost of \$122,500.00, payment of said additional amount to be made from Account No. 521-7535-06.6019.

(Signed) Donald R. Vaughan

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Motion to approve minutes of regular meetings of June 3, and June 17, 2003; Special Meeting of June 10, 2003; and canceled meeting of July 1, 2003 was unanimously adopted.

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Mayor Holliday introduced an ordinance amending in the amount of \$200,000 Parks and Recreation Bond Fund for N.C. Parks and Recreation Trust Fund for the Northeast Community Walking Trail Grant. Following brief remarks by the City Manager, Councilmember Vaughan moved adoption of the ordinance. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Phillips, and Vaughan. Noes: None.

03-170 ORDINANCE AMENDING PARKS & RECREATION BOND FUND FOR N.C. PARKS AND RECREATION TRUST FUND FOR THE NORTHEAST COMMUNITY WALKING TRAIL GRANT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Parks & Recreation Bond Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation for the Parks & Recreation Bond Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
443-5011-01.6019 (03063)	Other Improvements	<u>\$200,000</u>
<b>Total</b>		<b>\$200,000</b>

and, that this increase be financed by increasing the following Parks & Recreation Bond Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
443-5011-01.7110	State Grant	<u>\$200,000</u>
<b>Total</b>		<b>\$200,000</b>

(Signed) Donald R. Vaughan

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After the Mayor introduced a resolution approving Tech Logic Corporation as sole source provider of a book handling system for the Edwards and Hemphill Public Library Branches, Councilmember Gatten moved adoption of the resolution. The motion was seconded by Councilmember Phillips the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Phillips and Vaughan. Noes: None.

158-03 RESOLUTION APPROVING TECH LOGIC CORPORATION AS SOLE SOURCE PROVIDER OF A BOOK HANDLING SYSTEM FOR THE EDWARDS AND HEMPHILL PUBLIC LIBRARY BRANCHES

WHEREAS, the City Library Staff, in the pursuit of providing the best possible service to the citizens of Greensboro have solicited Tech Logic Corporation to provide a book handling and Radio Frequency Identification (RFID) tagging System unique to the library community;

WHEREAS, this unique system will deliver materials via automated conveyor system sorted into ergonomic large capacity containers where the RFID system would record and track books being returned;

WHEREAS, the equipment also reduces the physical handling of books, is ADA compliant, increases the availability of books and allows the customer to conduct self-check out of books;

WHEREAS, Tech Logic Corporation is the only supplier of this type of library material handling equipment which is exclusive and specialized for Library's;

WHEREAS, the cost of the equipment to be utilized at the Hemphill Branch Library and at the Kathleen Clay Edwards Family Branch Library will be \$466,694.00;

WHEREAS, a sole source purchase from Tech Logic Corporation is being requested with the funding for this equipment to be made available through private donations for the Greensboro Library Foundation, and it is the Library's opinion that the price quoted is the best for this equipment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the sole source purchase of \$466,694.00 for the Hemphill Branch Library and the Kathleen Clay Edwards Family Branch Library is hereby approved.

(Signed) Florence F. Gatten

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Mayor Holliday introduced an ordinance amending in the amount of \$466,694 the Libraries Bond Fund Budget for Libraries Radio Frequency Identification (RFID) Grant.

On behalf of the Library Board of Trustees, Dick Gray discussed the financial impact of the ordinance and advised that all citizens would benefit from library branch improvements planned with these funds. He requested Council to approve the ordinance.

Councilmember Johnson thereupon moved adoption of the ordinance. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Phillips and Vaughan. Noes: None.

03-171 ORDINANCE AMENDING THE LIBRARIES BOND FUND BUDGET FOR LIBRARIES RADIO FREQUENCY IDENTIFICATION (RFI) GRANT

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:**

That the appropriation for the Libraries Bond Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
447-5502-01.6059	Other Capital Equipment	<u>\$466,693</u>
<b>Total</b>		<b>\$466,693</b>

and, that this increase be financed by increasing the following Libraries Bond Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
447-5502-01.8620	Donations & Private Contributions	<u>\$466,693</u>
<b>Total</b>		<b>\$466,693</b>

(Signed) Yvonne J. Johnson

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The Mayor declared a recess at 10:11 p.m.

The meeting reconvened at 10:26 p.m. with all members of Council present except Councilmembers Jessup and Perkins, excused by Council action earlier in the meeting.

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Mayor Holliday introduced the following order, a copy of which had been provided to each Councilmember, which was read by title and summarized by the City Attorney:

ORDER AUTHORIZING THE ISSUANCE AND SALE OF CITY OF  
GREENSBORO, NORTH CAROLINA COMBINED ENTERPRISE SYSTEM  
REVENUE BONDS, SERIES 2003A AND SERIES 2003B, THE EXECUTION  
AND DELIVERY OF CERTAIN DOCUMENTS RELATING THERETO AND  
OTHER ACTIONS IN CONNECTION THEREWITH

BE IT ORDERED by the City Council of the City of Greensboro, North Carolina (the "City"):

Section 1. The City Council does hereby find and determine as follows:

(a) At a regular meeting of the City Council held on May 20, 2003, the City Council, by resolution, authorized the filing of an application with the North Carolina Local Government Commission (the "Commission") requesting approval of the issuance of not to exceed \$45,500,000 aggregate principal amount of City of Greensboro, North Carolina Combined Enterprise System Revenue Bonds, Series 2003A (the "Series 2003A Bonds") and Series 2003B (the "Series 2003B Bonds" and, together with the Series 2003A Bonds, the "Series 2003 Bonds") for the purpose of providing funds, together with other available funds, to: (i) pay the cost of certain improvements to the City's water system and sanitary sewer system (collectively, the "2003 Projects"), (ii) pay the interest on the Series 2003A Bonds until December 1, 2004, and (iii) pay certain costs incurred in connection with the issuance of the Series 2003 Bonds.

(b) At the above-referenced meeting, the City Council, by resolution, also requested the Commission to sell the Series 2003 Bonds at private sale without advertisement.

(c) The Commission, by resolution and in accordance with G.S. 159-86, has approved the application of the City for the issuance of the Series 2003 Bonds.

(d) The Commission, by resolution, has approved the private sale without advertisement of the Series 2003 Bonds.

(e) The City has determined to issue the Series 2003 Bonds in an aggregate principal amount not to exceed \$45,500,000, consisting of not exceeding \$35,500,000 aggregate principal amount of Series 2003A Bonds and not exceeding \$10,000,000 aggregate principal amount of Series 2003B Bonds, for the purpose of providing funds, together with other available funds, to: (i) pay the cost of the 2003 Projects, (ii) pay the interest on the Series 2003A Bonds until December 1, 2004 and (iii) pay certain costs incurred in connection with the issuance of the Series 2003 Bonds.

(f) The City proposes to sell the Series 2003A Bonds to Banc of America Securities LLC and Legg Mason Wood Walker Incorporated (the "Series 2003A Underwriters") pursuant to the provisions of the Bond Purchase Agreement relating to the Series 2003A Bonds (the "Series 2003A Bond Purchase Agreement"), at such prices as are determined by the Commission, subject to the approval of the City. The City further proposes to sell the Series 2003B Bonds to Banc of America Securities LLC (the "Series 2003B Underwriter") pursuant to the provisions of the Bond Purchase Agreement relating to the Series 2003B Bonds (the "Series 2003B Bond Purchase Agreement" and, together with the Series 2003A Bond Purchase Agreement, the "Series 2003 Bond Purchase Agreements"), at the price determined by the Commission, subject to the approval of the City.

(g) There have been presented to the City Council at this meeting drafts of the following documents

relating to the issuance and sale of the Series 2003 Bonds:

(1) the Second Amendatory Trust Agreement, dated as of July 1, 2003 (the “Second Amendatory Trust Agreement”), between the City and First-Citizens Bank & Trust Company, as trustee (the “Trustee”), amending the Trust Agreement, dated as of June 1, 1995, as amended by the First Amendatory Trust Agreement, dated as of May 1, 2001 (collectively, the “Trust Agreement”), each between the City and the Trustee;

(2) the Seventh Supplemental Trust Agreement, dated as of July 15, 2003 (the “Seventh Supplemental Agreement”), between the City and the Trustee;

(3) the Eighth Supplemental Trust Agreement, dated as of July 15, 2003 (the “Eighth Supplemental Agreement”), between the City and the Trustee;

(4) the Series 2003A Bond Purchase Agreement, to be dated as of the date of execution and delivery thereof, among the Series 2003A Underwriters, the Commission and the City;

(5) the Series 2003B Bond Purchase Agreement, to be dated as of the date of execution and delivery thereof, among the Series 2003B Underwriter, the Commission and the City;

(6) the Preliminary Official Statement for the Series 2003A Bonds, dated July 11, 2003 (the “Series 2003A Preliminary Official Statement”), relating to the public offering and sale of the Series 2003A Bonds, together with the Financial Feasibility Report prepared by Black & Veatch Corporation (the “Financial Feasibility Report”) to be included as Appendix B thereto;

(7) the Official Statement for the Series 2003B Bonds, to be dated as of August 4, 2003 (the “Series 2003B Official Statement”), relating to the public offering and sale of the Series 2003B Bonds, together with the Financial Feasibility Report to be included as Appendix B thereto;

(8) the Standby Purchase Agreement, dated as of July 15, 2003 (the “Standby Purchase Agreement”), between Bank of America, N.A. (the “Bank”) and the City, relating to the purchase by the Bank of Series 2003B Bonds that are subject to optional or mandatory tender for purchase;

(9) the Remarketing Agreement, dated as of July 15, 2003 (the “Remarketing Agreement”), between the City and Banc of America Securities LLC, as Remarketing Agent (the “Remarketing Agent”), relating to the remarketing of the Series 2003B Bonds; and

(10) the Tender Agent Agreement, dated as of July 15, 2003 (the “Tender Agreement”), among the City, First-Citizens Bank & Trust Company, as Tender Agent, Trustee and Bond Registrar, and the Remarketing Agent, relating to the tender for purchase of the Series 2003B Bonds.

(g) The issuance and sale of the Series 2003 Bonds in the manner provided in this Order is in the best interest of the City.

Section 2. Capitalized words and terms used in this Order and not defined herein shall have the same meanings given such words and terms in the Trust Agreement, the Seventh Supplemental Agreement and the Eighth Supplemental Agreement.

Section 3. Pursuant to the provisions of The State and Local Government Revenue Bond Act, as amended (the “Act”), the City hereby authorizes the issuance of the Series 2003 Bonds in an aggregate principal amount not to exceed \$45,500,000, consisting of Series 2003A Bonds in an aggregate principal amount not exceeding \$35,500,000 and Series 2003B Bonds in an aggregate principal amount not exceeding \$10,000,000. The Series 2003A Bonds shall mature at

such times and in such amounts as shall be set forth in the Seventh Supplemental Agreement, subject to the provisions of this Order. The Series 2003B Bonds shall mature at such times and in such amounts as shall be set forth in the Eighth Supplemental Agreement, subject to the provisions of this Order. No Series 2003 Bonds shall mature later than June 1, 2028.

The Series 2003A Bonds shall be issued as fully registered bonds in the denominations of \$5,000 or any whole multiple thereof and shall be issued pursuant to a book-entry system as provided in the Seventh Supplemental Agreement. Interest on the Series 2003A Bonds shall be payable on June 1 and December 1 of each year, beginning December 1, 2003, until the principal of the Series 2003A Bonds is fully paid.

The Series 2003B Bonds shall be issued as fully registered bonds in Authorized Denominations (as defined in the Eighth Supplemental Agreement) and shall be issued pursuant to a book-entry system as provided in the Eighth Supplemental Agreement. Interest on the Series 2003B Bonds shall be payable at the times and in the manner provided in the Eighth Supplemental Agreement.

Section 4. The Series 2003A Bonds shall be subject to redemption at the times, upon the terms and conditions, and at the prices as shall be set forth in the Trust Agreement and the Seventh Supplemental Agreement. The Series 2003B Bonds shall be subject to redemption at the times, upon the terms and conditions, and at the prices as shall be set forth in the Trust Agreement and the Eighth Supplemental Agreement. No redemption premium for any Series 2003 Bonds shall exceed 3% of the principal amount thereof.

Section 5. The proceeds of the Series 2003A Bonds, including accrued interest, shall be applied as provided in Section 204 of the Seventh Supplemental Agreement. The proceeds of the Series 2003B Bonds shall be applied as provided in Section 204 of the Eighth Supplemental Agreement.

Section 6. The Series 2003 Bonds, together with any Parity Indebtedness hereafter incurred pursuant to the provisions of the Trust Agreement, shall be secured on a parity basis by a pledge, charge and lien upon the Net Receipts and the money and Investment Obligations held in the various accounts and subaccounts of the Bond Fund in the manner and to the extent provided in the Trust Agreement, the Seventh Supplemental Agreement and the Eighth Supplemental Agreement.

Section 7. The proposal set forth in the Series 2003A Bond Purchase Agreement submitted by the Series 2003A Underwriters offering to purchase the Series 2003A Bonds at the aggregate purchase price and bearing interest at the rates determined by the Commission and approved by the City as hereinafter provided, such purchase price (exclusive of original issue discount) not to be less than 99.15% of the aggregate principal amount of the Series 2003A Bonds plus accrued interest from the date of the Series 2003A Bonds to the date of delivery of the Series 2003A Bonds, and such interest rates not to exceed an effective interest cost, after taking into account any related hedge agreements and derivative products entered into on the date of sale of the Series 2003A Bonds, of 4.85% per annum and a true interest cost not to exceed 4.75% per annum, is hereby approved. The Commission is hereby directed to sell and award the Series 2003A Bonds to the Series 2003A Underwriters on behalf of the City, subject to the approval of the City, in accordance with the terms and conditions set forth in the Series 2003A Bond Purchase Agreement. The Finance Director or the City Manager is hereby designated to approve on behalf of the City the sale of the Series 2003A Bonds to the Series 2003A Underwriters at such interest rates, for such purchase price and upon such terms and conditions as he shall determine, subject to the provisions of this Section. The Finance Director or the City Manager is hereby authorized and directed in the name and on behalf of the City to execute and deliver the Series 2003A Bond Purchase Agreement in substantially the form presented, together with such changes, additions and deletions as he, with the advice of counsel, may deem necessary and appropriate; such execution and delivery shall be conclusive evidence of the approval and authorization by the City in all respects of the form and content thereof.

Section 8. The proposal set forth in the Series 2003B Bond Purchase Agreement submitted by the Series 2003B Underwriter offering to purchase the Series 2003B Bonds at the aggregate purchase price and bearing an initial rate of interest determined by the Commission and approved by the City as hereinafter provided, such purchase price not to be less than 99.45% of the aggregate principal amount of the Series 2003B Bonds, and such initial interest rate not to exceed 4.50% per annum, is hereby approved. The Commission is hereby directed to sell and award the Series 2003B Bonds to the Series 2003B Underwriter on behalf of the City, subject to the approval of the City, in accordance with the terms and provisions set forth in the Series 2003B Bond Purchase Agreement. The Finance Director or the

City Manager is hereby designated to approve on behalf of the City the sale of the Series 2003B Bonds to the Series 2003B Underwriter at such initial interest rate, for such purchase price and upon such terms and conditions as he shall determine, subject to the provisions of this Section. The Finance Director or the City Manager is hereby authorized and directed in the name and on behalf of the City to execute and deliver the Series 2003B Bond Purchase Agreement in substantially the form presented, together with such changes, additions and deletions as he, with the advice of counsel, may deem necessary and appropriate; such execution and delivery shall be conclusive evidence of the approval and authorization by the City in all respects of the form and content thereof.

Section 9. The forms, terms and provisions of the Second Amendatory Trust Agreement, the Seventh Supplemental Agreement, the Eighth Supplemental Agreement, the Standby Purchase Agreement, the Remarketing Agreement and the Tender Agreement are hereby approved, and the Mayor, the City Manager or the Finance Director and, where contemplated by the pertinent document, the City Clerk or any Deputy City Clerk are hereby authorized and directed to execute the Second Amendatory Trust Agreement, the Seventh Supplemental Agreement, the Eighth Supplemental Agreement, the Standby Purchase Agreement, the Remarketing Agreement, and the Tender Agreement in substantially the forms presented, together with such insertions, modifications and deletions as the Mayor, the City Manager or the Finance Director, with the advice of counsel, may deem necessary and appropriate, including, without limitation, insertions, modifications and deletions necessary to incorporate the final terms of the Series 2003 Bonds as set forth in the Series 2003 Bond Purchase Agreements and to incorporate certain terms and provisions required by the Rating Agencies; such execution and delivery shall be conclusive evidence of the approval and authorization by the City in all respects of the form and content thereof.

Section 10. The Series 2003A Preliminary Official Statement is hereby approved. The City hereby ratifies and approves the use and distribution of the Series 2003A Preliminary Official Statement by the Commission and the Series 2003A Underwriters. The City authorizes and consents to the preparation and distribution of a final Official Statement relating to the Series 2003A Bonds (the "Series 2003A Official Statement"), in substantially the form of the Series 2003A Preliminary Official Statement, together with such changes as are necessary to reflect the final terms of the Series 2003A Bonds. The City Manager or the Finance Director is hereby authorized and directed to execute and deliver the Series 2003A Official Statement, in substantially the form of the Series 2003A Preliminary Official Statement, together with such changes, specifications, and deletions as the City Manager or the Finance Director, with the advice of counsel, may deem necessary and appropriate; such execution and delivery shall be conclusive evidence of the approval and authorization by the City in all respects of the form and content thereof.

Section 11. The Series 2003B Official Statement is hereby approved. The City hereby authorizes the use and distribution of the Series 2003B Official Statement, in substantially the form presented at this meeting, together with such changes, modifications and deletions as the Finance Director, with the advice of counsel, may deem necessary and appropriate and such changes as are necessary to reflect the final terms of the Series 2003B Bonds. The City Manager or the Finance Director is hereby authorized and directed to execute and deliver the Series 2003B Official Statement; such execution and delivery shall be conclusive evidence of the approval and authorization by the City in all respects of the form and content thereof.

Section 12. The form and content of the Financial Feasibility Report is hereby approved. The City hereby finds the assumptions made in the Financial Feasibility Report, including the assumed increases in water and sewer rates, to be reasonable; provided, however, that the City shall not be obligated to put into effect the rate increases described in the Financial Feasibility Report. Potential rate increases shall be considered by the City Council from time to time in connection with the City's overall budgetary process, and rate increases will be adopted from time to time as necessary to comply with the provisions of the Trust Agreement, the Seventh Supplemental Agreement and the Eighth Supplemental Agreement and current policies of the City.

Section 13. The Finance Director, on behalf of the City, is hereby authorized to (a) procure, if he deems it to be in the economic interest of the City, bond insurance for all or any part of the Series 2003 Bonds and (b) enter into such arrangements, from time to time, as he shall deem advisable in order to manage interest rate risk on the Series 2003B Bonds, including, but without limiting the generality of the foregoing, interest rate swaps, caps, collars and other derivative agreements.

Section 14. The Mayor, the City Manager, the Finance Director, the City Attorney and the City Clerk, or any of them or their deputies, are authorized and directed (without limitation except as may be expressly set forth in this

Order) to take such action and to execute and deliver such certificates, agreements, instruments or other documents as they, with the advice of counsel, may deem necessary or appropriate to effect the transactions contemplated by this Order, the Trust Agreement, the Second Amendatory Trust Agreement, the Seventh Supplemental Agreement, the Eighth Supplemental Agreement, the Standby Purchase Agreement, the Remarketing Agreement, the Tender Agreement, the Series 2003A Bond Purchase Agreement, the Series 2003B Bond Purchase Agreement, the Series 2003A Preliminary Official Statement, the Series 2003A Official Statement and the Series 2003B Official Statement. The officers of the City and the agents and employees of the City are hereby authorized and directed to do all acts and things required of them by the provisions of this Order, the Series 2003 Bonds, the Trust Agreement, the Second Amendatory Trust Agreement, the Seventh Supplemental Agreement, the Eighth Supplemental Agreement, the Standby Purchase Agreement, the Remarketing Agreement, the Tender Agreement, the Series 2003A Bond Purchase Agreement and the Series 2003B Bond Purchase Agreement for the full, punctual and complete performance of the terms, covenants, provisions and agreements of the same.

Section 15. The issuance and sale of the Series 2003 Bonds is hereby approved subject to the terms and conditions set forth in this Order.

Section 16. This Order shall take effect immediately upon its passage.

Thereupon the City Attorney stated that she had approved as to form the foregoing order.

Upon motion of Councilmember Carmany, seconded by Councilmember Vaughan, the foregoing order entitled: "ORDER AUTHORIZING THE ISSUANCE AND SALE OF CITY OF GREENSBORO, NORTH CAROLINA COMBINED ENTERPRISE SYSTEM REVENUE BONDS, SERIES 2003A AND SERIES 2003B, THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS RELATING THERETO AND OTHER ACTIONS IN CONNECTION THEREWITH" was passed on roll call vote as follows: Ayes: Councilmembers Burroughs-White, Carmany, Gatten, Holliday, Johnson, Phillips and Vaughan. Noes: None.

The Mayor thereupon announced that the order entitled: "ORDER AUTHORIZING THE ISSUANCE AND SALE OF CITY OF GREENSBORO, NORTH CAROLINA COMBINED ENTERPRISE SYSTEM REVENUE BONDS, SERIES 2003A AND SERIES 2003B, THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS RELATING THERETO AND OTHER ACTIONS IN CONNECTION THEREWITH" had passed by a vote of 7 to 0.

(Signed) Sandra G. Carmany

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After the Mayor introduced a resolution calling for a vote on an initiative petition amending Chapter 30 of the Greensboro City Code with respect to Zoning, the City Attorney explained that the ballot language was for citizens to vote on an ordinance that would prohibit stadiums in downtown. She advised that this language followed the guidelines of the Charter of the Greensboro Code of Ordinances.

The Mayor asked if anyone wished to speak to this item. After several speakers advised that they wished to speak to baseball in general instead of this item, Mayor Holliday advised that they should speak later in the Speakers from the Floor portion of the meeting.

Following brief Council discussion, Councilmember Gatten moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Phillips and Vaughan. Noes: None.

159-03            RESOLUTION CALLING FOR A VOTE ON AN INITIATIVE PETITION AMENDING CHAPTER 30 OF THE CITY CODE

WHEREAS, The City Council has been presented with an Initiative Petition certified sufficient by the City Clerk and Guilford County Board of Elections, which Initiative Petition requested the enactment by City Council of an ordinance amending Chapter 30 of the City Code, and



WHEREAS, City Council has declined to adopt the proposed ordinance prescribed in the Initiative Petition, and

WHEREAS, Section 2.76 of Charter of the City of Greensboro states that should the City Council fail to adopt an ordinance requested in an Initiative Petition, said ordinance shall be put to a vote of the people, and

WHEREAS, the City Council is mandated to place said ordinance, by ballot title, on the ballot for consideration by the people as an initiative election at the next regularly scheduled primary or general election for State, County or Municipal Officials, and

WHEREAS, Guilford County has scheduled a primary election for the 7<sup>th</sup> of October, 2003, if necessary, and its scheduled general election on the 4<sup>th</sup> of November, 2003.

WHEREAS, the ballot title was prepared and approved by the City Attorney pursuant to Section 2.77 of the City Charter, and

WHEREAS, the City Council concurs with the language of the ballot title, which ballot title is attached and incorporated herein by reference.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That it requests the Guilford County Board of Elections to take all steps necessary to place the attached ballot title on the ballot for consideration by the voters of Greensboro at the primary election scheduled to be held on the 7<sup>th</sup> of October, 2003, or;
2. That should an insufficient number of candidates register during the filing period, and a primary election not be held, City Council requests that the ballot title be placed on the ballot for consideration by the people at the general election to be held on the 4<sup>th</sup> day of November, 2003; and
3. That such election be advertised as required by law.

(Signed) Florence F. Gatten

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Mayor Holliday introduced an ordinance establishing in the amount of \$1,185,216 Grant Project Amendment for the Fiscal Year 2000-2001 Section 5307 Capital Assistance Grant Program (the Depot).

Councilmember Burroughs-White moved adoption of the ordinance. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson and Vaughan. Noes: Phillips.

03-173 ORDINANCE ESTABLISHING GRANT PROJECT BUDGET AMENDMENT FOR THE FISCAL YEAR 2000-01 SECTION 5307 CAPITAL ASSISTANCE GRANT PROGRAM

Section 1. That the Grant Project Budget Amendment for the FY 2000-01 Section 5307 Capital Assistance Grant Program Funds be established for the life of the project as follows.

<u>Account</u>	<u>Description</u>	<u>Amount</u>
566-4511-01.6059	Other Capital Improvements	\$1,185,216
TOTAL		\$1,185,216

And, that the following revenue finances the appropriation:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
566-4511-01.7000	Federal Grant	\$ 948,173
566-4511-01.7110	State Grant	\$ 118,521
566-4511-01.9564	Transfer From Transit Fund	\$ 118,522
TOTAL		\$1,185,216

(Signed) Claudette Burroughs-White

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The Mayor introduced an ordinance repealing ordinance amending Chapter 16 of the Greensboro Code of Ordinances with respect to Motor Vehicles and Traffic.

The City Manager advised that the ordinance adopted at an earlier meeting and involving wrecker service contracts had drawn criticism from wrecker companies; he requested Council to rescind this ordinance and advised that a revised ordinance would be brought to Council for future consideration. He noted that the original ordinance and rules would remain in effect.

Councilmember Johnson moved adoption of the ordinance. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Phillips and Vaughan. Noes: None.

#### 03-174 AMENDING CHAPTER 16

#### AN ORDINANCE REPEALING ORDINANCE AMENDING CHAPTER 16 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO MOTOR VEHICLES AND TRAFFIC

Section 1. That Ordinance 03-152 amending Section 16-39 of Chapter 16 of the Greensboro Code of Ordinances with respect to Motor Vehicles and Traffic adopted June 17, 2003 is hereby repealed.

Section 2. That Ordinance Section 16-39 of Chapter 16 of the Greensboro Code of Ordinances with respect to Motor Vehicles and Traffic as it existed prior to the adoption of Ordinance 03-152 on June 17, 2003 remains in effect.

Section 3. That this repeal shall become effective immediately upon its adoption.

(Signed) Yvonne J. Johnson

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After City Manager Kitchen advised that he had an addendum to the agenda for Council's consideration, the Mayor thereupon introduced a resolution approving expenditure of \$30,000 from downtown fund to support Triad Stage.

Referring to the proposed resolution he had provided to Council earlier in the meeting, the Manager explained that the funds requested were already budgeted for Council to allocate for downtown Greensboro and that this would fulfill the Council's earlier commitment to Triad Stage for their capital campaign.

Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Phillips and Vaughan. Noes: None.

#### 03-175 RESOLUTION APPROVING EXPENDITURE OF \$30,000 FROM DOWNTOWN FUND TO SUPPORT TRIAD STAGE

WHEREAS, Triad Stage converted the long-vacant former Montgomery Wards building and opened as a professional theatre in January, 2002;

WHEREAS, during Triad Stage's initial \$5 million Capital Campaign, the City granted a total of \$300,000 towards this project;

WHEREAS, Triad Stage has recently been named "One of Americas' 50 Best Theatres" by The Drama League of New York;

WHEREAS, Triad Stage has served as both a catalyst and anchor for downtown revitalization with an increase of as much as 40% to area restaurants on evenings when Triad Stage is in performance;

WHEREAS, Triad Stage is requesting \$30,000 to complete the initial amount granted to Triad Stage by the City;

WHEREAS, the funding required is to be allocated from the Downtown Fund;

WHEREAS, it is deemed in the best interest of the City to continue its support of Triad Stage.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the expenditure of \$30,000 from the Downtown Fund to support Triad Stage is hereby approved.

(Signed) Yvonne J. Johnson

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Michael Byrd, residing at 805 Simpson Street, shared his personal opinions with respect to potential negative impact of a downtown baseball stadium. He presented a related book to each Councilmember.

Mark Osada, residing at 1010 North Eugene Street, expressed concern that the Greensboro noise ordinance would be ineffective against noise from baseball stadium events.

Natalie Koeplinger, residing at 1014 Wharton Avenue, presented her personal views on baseball, her preference for development in the central business district and her experiences with the municipal bus system. After Ms. Koeplinger offered suggestions for enhancement of the municipal bus system, Mr. Westmoreland, Transportation Department Director, invited her to attend an upcoming public planning workshop with the Greensboro Transit Authority.

Stephanie Osada, residing at 1010 N. Eugene Street, shared her concerns with respect to traffic flow that would result from closing Lindsay Street. Ms. Osada offered her opinions with respect to the association to the street closing and impact of costs for specific downtown traffic control measures.

Blair Barton-Percival, residing at 912 North Eugene Street, spoke to a presentation on baseball she recently attended. She expressed her opposition to the planned baseball stadium construction and her interest in creating new strategies for downtown development.

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Ann Stringfield, residing at 1005 North Eugene Street, shared her opinions with respect to the level of association of a creative class of citizens and baseball stadiums. She requested Council to consider the information she presented and oppose the new stadium.

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Jean Manning, residing at 305 Leland Drive, expressed concern with respect to a potential street connection

from Leland Drive to Wireless Drive. He stated he did not understand the reason for and did not support the connection and requested clarification with respect to the process involved in the street connection.

Mr. Martin outlined the history of development in this area with respect to street connectivity plans. During lengthy explanation, he advised that because the connection plan had been approved and recorded prior to the Council's adoption of a new street connectivity policy, the connectivity option was available to the property owner. The City Attorney concurred with this assessment of the owner's legal options.

Mr. Martin answered various questions with respect to the processes, rights and responsibilities involved in this matter. Mr. Westmoreland advised that on June 24, 2002 Council had been shown that owners had submitted two plans and that it was up to the owners to decide what they wanted to accept. He stated that now a third revision had been submitted to modify the existing plan approved by the Technical Review Committee that showed the streets connected.

In response to questions from Councilmember Phillips, the City Attorney advised that Council could go back to the standards, but would need to apply them across the board unless they had a rational reason to make an exception. She stated that because this plat was recorded the owner had the right to build accordingly but that Council could change their standards for street connectivity. After Ms. Miles clarified that the owner had the older plat approved, submitted a new plat, then decided to use the older approved plat she confirmed that either the property owner could take action with respect to connectivity or Council could change their street connectivity standards.

The Mayor requested from Mr. Manning that the property owner needed to include Council by copying them on their formal request, noting that it was his understanding that the property owner did not desire the street connection.

Councilmember Phillips expressed great concern that traffic exiting at 5:00 pm. Would be problematic. He suggested that Wireless Drive be designed so it would not be possible to turn left during peak traffic times of day. The Mayor expressed his support for a traffic-calming device.

The City Manager advised that this would be done, but that the larger connectivity issue discussed would not be addressed by this action.

Sharon Rickets, residing at 104 Leland Drive, stated that the streets were not presently connected, that she had difficulty understanding why the street connection was being considered, and that in her opinion traffic concerns would result if the connection were made.

Michael Cooke, residing at 106 Leland Drive, stated he shared Ms. Rickets opinions and saw no benefit to the connection plan.

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Councilmember Phillips stated that he planned to be absent at the next Council meeting.

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Councilmember Carmany moved that Mary Blake be appointed to serve a term on the Greensboro Advisory Commission on Trees in the position formerly held by Juanita Almon; this term will begin 15 August 2003 and will expire 15 August 2006. The motion was seconded by Councilmember Vaughan and unanimously adopted by voice vote of Council.

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Councilmember Johnson added to the boards and commissions data bank the names of Robin Z. Saleem for consideration for future service on the Tourism and Development Commission; Jane C. Cauthen for consideration for future service on the Commission for the Status of Women; and T. Sabrina Lea, for consideration for future service.

Councilmember Johnson moved that Brian Reynolds be appointed to serve a term on the Greensboro Advisory Commission on Trees in the position formerly held by Ron Morris; this term will expire 15 August 2005. The motion

was seconded by Councilmember Johnson and unanimously adopted by voice vote of Council.

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Councilmember Burroughs-White added to the boards and commissions data bank the name of Allen J. Mc David for consideration for future service on the Minimum Housing Standards Commission.

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Councilmember Gatten moved that Carl Ashby be appointed to serve a term on the ABC Board in one of the new positions added this year; this term will expire 3 July 2006. The motion was seconded by Councilmember Phillips and unanimously adopted by voice vote of Council.

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Mayor Holliday stated he had appointed Thomas E. Hubert to the Greensboro Housing Authority Board to serve in the position formerly held by Dwight M. Davidson, III; this term will expire 15 June 2008.

The Mayor added the name of Ruth G. Forney to the boards and commissions data bank for consideration for future service on the Greensboro ABC Board. He advised that this name was added at the request of Councilmember Jessup.

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The City Manager stated that due to a lack of agenda items for the June 22, 2003 Council briefing, Council was requested to take action to cancel the briefing. Councilmember Burroughs-White moved that the June 22, 2003 briefing be cancelled. The motion was seconded by Councilmember Vaughan and unanimously adopted by voice vote of Council.

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Butch Simmons, Engineering and Inspections Director, spoke to an increase in the total violations from an original report of code violations from a 2002 Motel Sweep. He advised that monthly inspections would continue and that the lack of working smoke detectors continued to be the largest issue.

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Councilmember Johnson moved that the meeting be adjourned. The motion was seconded by Councilmember Vaughan and unanimously adopted by voice vote of Council.

Council adjourned the meeting at 11:35 p.m.

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Susan E. Crotts  
Deputy City Clerk

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Keith A. Holliday  
Mayor

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